

### **REMARKS**

No claims are amended, and claims 14-20 are cancelled. Claims 1-13 remain pending in the application. Reconsideration and allowance of the pending claims is requested in light of the following remarks.

#### ***Allowable Subject Matter***

Claim 3 is objected to as being dependent upon a rejected base claim, but is otherwise indicated to be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

At this time, the applicant wishes to maintain claim 3 in its present form so that the comments presented below may be fully considered.

#### ***Claim Rejections – 35 U.S.C. § 102***

Claims 1-2, 4, 8-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,091,154 to Ohkawa (“Ohkawa”). The applicant disagrees.

Ohkawa teaches that an HTO oxide film 60 is formed about 50 to 200 nm *thick* on the gate electrode layer 48 (FIG. 19A; column 23, lines 12-13; emphasis added.) Subsequently, the oxide film 60 and the gate electrode layer 48 are etched (column 23, lines 14-16). Next, another HTO oxide film is deposited about 50 to 150 nm thick and then subsequently etched to leave side spacers only on the side walls of the gate electrode structure (column 23, lines 17-20). The *side spacers made of the silicon oxide film and the previously formed silicon oxide film* are shown as a single oxide film 60 (column 23, lines 21-23; emphasis added).

Thus, Ohkawa gives no indication of the *width* of the side spacers that are formed after the oxide film 60 is etched, Ohkawa only specifies a range for the *thickness* of the oxide film 60 that is deposited on the gate electrode layer 48 before the etching step occurs. Similarly, Ohkawa does not give an indication of the *width* of the alleged self-aligned contact spacer that is formed after the the HTO oxide 66 is etched, Ohkawa only specifies a range for the *thickness* of the oxide film 66 that is deposited before the etching step occurs (column 23, lines 42-49). Thus, it is not possible to determine the width of the alleged self-aligned contact spacer 66 (FIG. 19B, left side) relative to the width of the alleged gate spacer 60 (FIG. 19B, right side).

For this reason, Ohkawa fails to disclose the claim 1 feature that the width of the gate spacers is substantially different from the width of the self-aligned contact spacer. Also for this reason, Ohkawa fail to disclose the claim 9 feature that a width of the self-aligned contact spacer is unequal to a width of the gate spacer. Consequently, Ohkawa fail to anticipate claims 1 and 9 because it does not show the identical invention in as complete detail as contained in the claim. MPEP 2131.

Also contrary to claim 9, Ohkawa's FIG. 19B illustrates that the alleged gate spacer 60 (right side of FIG. 19B) is not disposed entirely between the sidewall of the alleged gate pattern 48 and the alleged interlayer insulating layer 63. For this additional reason, Ohkawa fails to anticipate claim 9 because it does not show the identical invention in as complete detail as contained in the claim. MPEP 2131.

Claims 2, 4, and 8 depend from claim 1 while claims 10 and 12 depend from claim 9. Consequently, Ohkawa fails to anticipate claims 2, 4, 8, 10, and 12 for at least the same reason it fails to anticipate claims 1 and 9.

Further regarding claim 8, it was explained above in the discussion of claim 1 how Ohkawa fails to disclose any information regarding the relative width of the alleged self-aligned contact spacer 66 relative to the alleged gate spacer 60. Thus, contrary to claim 8, Ohkawa also fails to disclose that the width of the alleged self-aligned gate spacer 66 is less than the width of the alleged gate spacer 60.

#### *Claim Rejections – 35 U.S.C. § 103*

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkawa in view of U.S. Patent No. 5,817,562 Chang et al. ("Chang"). The applicant disagrees.

Claim 5 depends from claim 1, and is allowable over the combination of Ohkawa and Chang at least because any claim that depends from a nonobvious independent claim is also nonobvious. MPEP 2143.03.

Claims 6-7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkawa in view of U.S. Patent No. 6,649,503 Kim et al. ("Kim"). The applicant disagrees.

Claims 6-7 depend from claim 1, and are allowable over the combination of Ohkawa and

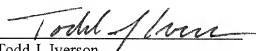
Kim at least because any claim that depends from a nonobvious independent claim is also nonobvious. MPEP 2143.03.

***Conclusion***

For the reasons presented above, reconsideration and allowance of the pending claims is requested. Please telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

  
Todd J. Iverson  
Reg. No. 53,057

MARGER JOHNSON & McCOLLOM, P.C.  
210 SW Morrison Street, Suite 400  
Portland, OR 97204  
503-222-3613  
**Customer No. 20575**